

### **REMARKS**

Claims 1-8, 17-22 and 52-66 are in the application for consideration.

A substitute drawing sheet is submitted herewith wherein Fig. 4 has been modified. An inadvertent error was introduced to Fig. 4 by the last request for a drawing change. Specifically, the illustrated outer layer 118b, in the drawings as initially submitted, was erroneously changed to 110b. By the enclosed Request for Drawing Change, designation of the outer layer back to the original 118b is made. The substrate as a whole is still correctly indicated to be 110b, pursuant to the previous drawing change. Entry/acceptance of this drawing modification is requested.

Two Supplemental Disclosure Statements were submitted after the mailing of the latest Office Action. Specifically, one was submitted on July 1, 2003 and the other on August 4, 2003. It is respectfully requested that the Examiner provide initialed Forms PTO-1449 from such submissions in the next action.

An additional Supplemental Information Disclosure Statement is filed herewith.

Claims 1-6, 17-20, 52-57, 60-63 and 66 stand rejected as being obvious over a combination of Dornfest et al. in view of Xiang et al. Applicant disagrees and requests reconsideration.

The Examiner is reminded that, for an obviousness rejection to be sustainable over a combination of references, the collective cited references must teach or suggest all the claim limitations. (MPEP §§2142, 2143

and 2143.03.) Dornfest et al. and Xiang et al. in combination do not teach or suggest all of the claim limitations in Applicant's independent claims 1, 17, 52 and 60.

Specifically, each of Applicant's independent claims requires changing a rate of flow of either a constant composition oxidizer stream or a single oxidizer to the reactor during the deposit. Pursuant to Applicant's last submitted argument, the Examiner acknowledges that Dornfest et al. fails to teach varying the flow rate of the oxidizers during the deposition. Apparently however, the Examiner relies Xiang et al. for suggesting this teaching. However, Xiang et al. is equally lacking in this regard.

Specifically, the Xiang et al. reference in no way discloses or implies changing an oxidizer flow rate for any reason at any time, and accordingly, does not teach or suggest to a person of skill in the art what effect, if any, the changing of the flow rate of an oxidizer stream might have in the deposited film, and certainly not in the context of Applicant's claims in the formation of a BST film. Therefore, like Dornfest et al., Xiang et al. fails to teach or suggest varying the flow rate of an oxidizer stream during the deposition. As each reference is lacking in this regard, the combination of such references is still lacking in teaching or suggesting all the claim limitations in Applicant's independent claims 1, 17, 52 and 60. Accordingly, *prima facie* obviousness has not been established and the obviousness rejection should be withdrawn. Action to that end is requested.

The undersigned interprets the Examiner's last action and comments with respect to Xiang et al. as essentially being in agreement that Xiang et al. does not disclose changing an oxidizer flow rate during the deposition. The Examiner merely relies upon the Xiang et al. teaching of forming a barium, strontium, titanium and oxygen containing layer which is non-uniform throughout the deposited material, and thereby that it would be obvious to combine the teachings of Xiang et al. and Dornfest et al. to vary the oxygen flow during the deposition process taught by Dornfest et al. Again however, as each reference is lacking in the teaching of varying oxidizer flow rate during the deposit, the combination of the references cannot suggest doing so, and therefore the obviousness rejection is in error and should be withdrawn. Action to that end is requested.

Further, Applicant's independent 1, 17, 52 and 60 are directed to chemical vapor deposition methods of forming a barium strontium titanate (BST) comprising dielectric layer. Xiang et al. does not disclose the formation of such a layer. Rather, Xiang et al. teaches utilizing its methods (which include CVD at col.4, Ins.58-62) in the fabrication of a BSCT layer, not a BST layer. BSCT is not BST. See, Xiang et al. at col.4, Ins.36, 37. Accordingly, the rejection over the combination of these references is additionally seen to be in error for this reason.

The combined teachings of Dornfest et al. and Xiang et al. would not, and do not, lead one to arrive at Applicant's claims. As previously argued in Applicant's last filed response, it is manifestly clear that the teachings of the

Dornfest et al. reference are relative to the formation of constant composition BST layers, and not to BST comprising dielectric layers having varied concentrations of barium and strontium, or varied concentrations of titanium, in the layer as deposited. Further as previously asserted, the statement within Dornfest et al. upon which the Examiner relies would naturally lead a person of skill in the art to conclude that the “varying the flow rate of the oxidizers” is referring to such varying with respect to different depositions, not varying the flow rate during a deposition. Combining the Dornfest et al. teaching to the Xiang et al. teaching would direct one to vary the flow rate of an oxidizer stream during discrete, different depositions, not varying the flow rate during the Xiang et al. deposition. There simply is no disclosure or suggestion in either reference of varying the oxidizer flow rate during deposition. The combined teachings do not lead to that which Applicant recites in independent claims 1, 17, 52 and 60. Accordingly, the combined teachings do not teach that which Applicant recites, regardless of whether *prima facie* obviousness was established in the Examiner’s last rejection. The rejection of claims 1, 17, 52 and 60 should be withdrawn for this additional reason alone.


Applicant’s dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Further, the cited Kang reference does not overcome the deficiencies with respect to the independent claims

as asserted above. It is respectfully requested that the Examiner allow all claims in this application.

This application is believed to be in immediate condition for allowance, and action to that end is requested.

Respectfully submitted,

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By:   
Mark S. Matkin  
Reg. No. 32,268

